

January 6, 2023

VIA ECF

Hon. Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11202

Re: *Kent v. PoolTogether, Inc., et al.*, Case No. 21-CV-6025-FB-CLP

Dear Judge Block:

I write on behalf of all Defendants in response to Plaintiff's Second Notice of Supplemental Authority in Opposition to Defendants' Motions to Dismiss and Motions to Strike filed on January 3, 2023, ECF No. 123, attaching the December 20, 2022 Order Concluding That Service Has Been Achieved in *CFTC v. Ooki DAO*, N.D. Cal. No. 22-cv-5416-WHO (N.D. Cal) (the "Service Order").

The Service Order is an order regarding service of a summons and complaint. *See* ECF 123-1. The District Court in that matter has not yet ruled on any substantive motions, including any Rule 12 motions. Here, there are no disputes regarding service, and thus the Service Order has no bearing on the pending Rule 12 motions.¹

Respectfully submitted,

/s/ Jason P. Gottlieb

Jason P. Gottlieb

CC: All Counsel of Record (via ECF)

¹ Plaintiff has not alleged that Defendants PoolTogether, Inc., Dharma Labs, Inc., Ozone Networks, Inc., or Compound Labs, Inc. are members of the supposed general partnership. Thus, Plaintiff's Second Notice of Supplemental Authority does not affect those Defendants.